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Attorneys at Law

August 4, 2003

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| Examiner Jane Zara 703-306-5820 | 703.308.4242 | USPTO - GAU 1635 Arlington, VA |

John K. McDonald, Ph.D.

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REFERENCE NO

12

PAGES (WITH COVER)

42368/250224

CLIENT/MATTER NO.

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COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

| | |
|------------------------|---|
| Applicant: | Phillips et al. |
| Title: | Therapeutically Useful Synthetic Oligonucleotides |
| Serial No./Docket No.: | 09/735,363 02811-0181 (42368-250224) |
| Filing Date | December 12, 2000 |

PAPERS SUBMITTED:

1. Transmittal Sheet (1)
2. Amendment and Response to Office Action (10)

Date: August 4, 2003

By: John K. McDonald, Ph.D.

Reg. No. 42,880

Please note that the first page of the Response has been corrected to reflect the correct facsimile number in the certification.

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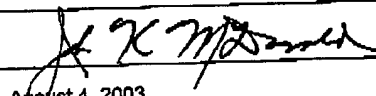
Approved for use through 04/30/2003. OMB 0651-0031


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| | | | |
|---|----------------------|------------------------|---------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/735,363 | |
| | Filing Date | December 12, 2000 | |
| | First Named Inventor | Nigel Phillips | |
| | Art Unit | 1635 | |
| | Examiner Name | Jane Zara | |
| Total Number of Pages in This Submission | 11 | Attorney Docket Number | 02811-0181 (42368-250224) |

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | This response is being sent via facsimile to the Examiner. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | John K. McDonald, Ph.D. |
| Signature |  |
| Date | August 4, 2003 |

| CERTIFICATE OF MAILING | | | |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | John K. McDonald, Ph.D. | Date | August 4, 2003 |
| Signature |  | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Phillips et al.

Serial No. 09/735,363

Filed: December 12, 2000

For: **THERAPEUTICALLY USEFUL
SYNTHETIC OLIGONUCLEOTIDES**

Art Unit: 1635

Examiner: Jane Zara

AMENDMENT AND RESPONSE TO OFFICE ACTIONCommissioner for Patents
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Sir:

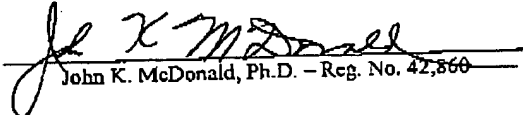
In response to the final Office Action mailed June 3, 2003, a two-month period of response to which extends to Monday, August 4, 2003, Applicants respectfully request amendment of the application as follows and reconsideration of the rejected claims based upon the following remarks.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any additional filing fee and credit any refund to Deposit Account No. 11-0855.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin page 6 of this paper.

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 703.872-9306 on August 4, 2003.


John K. McDonald, Ph.D. - Reg. No. 42,860

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